

Comments on 212 Copyright Proposed Fee Increases

Dear Congress & Library of Congress:

The proposed registration fee increases based upon the “*Number Of Authors*” and “*Work-For-Hire*” status discriminates against authors/creators who work in partnership with others and also against companies who hire creative persons to create work for them.

Basing fees instead on the “*Number-of-Works Registered Per Year*” by any entity (individual, group or company) is fair to all.

The proposed fees also unfairly burden independent authors and small publishers who have little disposable income to invest in their own future, including new and emerging authors/creators.

It is difficult for individuals and small publishers who generally publish less than 25 titles per year to pay DOUBLE the rates when the economy is so slow and they are already paying higher prices for all goods, services and supplies, living paycheck to paycheck or sale-to-sale. This is how the self-employed businesses owners of America are surviving and still creating local jobs for others. I would be heart sickened to see small publishers go out of business because of higher expenses across the board and *more than DOUBLING Copyright Registration Fees* may be the stick that breaks many such businesses or delays the registration of works.

For authors who earn a meager living from self publishing, it would be a *burden to pay up to \$30 more per work*. It may not sound like a lot more money to pay an *additional* \$150 per year to register five works created by two writing partners, but when those authors only earn a combined \$1000 per year from the sales of their work, \$325 is a lot, especially when those same authors are without health insurance. That extra \$150 was going to go the dentist, but all well, not now, now it will go toward covering the higher cost of doing business.

Two Authors doesn't equate to two incomes to contribute to the registration fees. Many works are written by couples or partners who share the same household or business income/losses.

Using the “*Number of Authors*” to determine fee cost fails to differentiate “*casual registers*” from “*frequent commercial registers*”

Instead, basing fees on the “*Number-of-Works Register Per Year*” by any entity (individual, group or company) is fair to all.

The more work you create, the more time is dedicated to that entity per year to register that entity's titles, the higher the fee per title. After all, it is not fair to claim Disney, who registers over 1000 copyrights per year is equal to the small publisher who registers only 10 titles per year. Disney has been around a long time now, has many sources of income and more distribution resources than a small publisher.

Using the “**Number-of-Works Registered Per Year**” acknowledges the resources of larger commercial entities, without discriminating against them by using a sliding fee scale that is fair to all because these larger commercial entities would pay the same fee for the first 25 works and the 26-200 works as any other entity.

Fees based on the NUMBER OF WORKS REGISTERED PER YEAR sliding scale:

1. \$35 for the first 25 works registered by any entity during the calendar year:
 - a. This helps authors who write with a partner or partners, because only one online account is needed to register the work for both or multiple authors.
 - b. This also helps small businesses who just want to register their logos or website content. Think restaurants, local businesses
2. \$45 for 26-200 works registered by any entity during the calendar year:
 - a. This is your service companies and mid-sized companies who have around 100 copyrights per year.
3. \$65 for 201-unlimited works registered by any entity during the calendar year.”

- a. This is your large scale tech and media corporations, like Disney, who registered over 1000 copyrights in 2011.

Again, this sliding scale system differentiates between the independent writer, small mom and pop publishers and large tech and media corporations and is fair because it gives the save price discount to the large corporate entity for the first 25 titles and the 26-200 titles registered as it does to any independent author or small business.

As you can imagine, it should be easier for Disney to pay an additional \$30,000 per year to register over 1000 copyrights, while it is a struggle for many new and emerging authors to have to scrap together \$65 to register a work rather than the current \$35; an additional \$30 at any one time, may be difficult for the average American to come up with. It may not sound like a lot to most Senators or Congressman, but any extra bill or fee to the average American or small business is a big deal to that individual or small business.

Raising the fees may make it impossible for some new authors to register at all as so many Americans today have little to no disposable income. I personally have registered a work at a time when I could only scare up \$35 and no more in that particular month.

Further the “NUMBER OF WORKS REGISTERED PER CALENDAR YEAR” is a simple system to implement automatically.

When one goes to register their 26th title, the online system would automatically charge the \$45 fee, no matter if that title is registered by an individual, a group or a company.

When a company registers their 201st title, the system will automatically charge the \$65 for every title registered during the remaining calendar year.

It is a matter of national pride to say that any American person or company can afford to register their copyright. Let's keep copyright registration fees affordable and fair!

ONE MORE ISSUE:

The Copyright Office closed (cancelled) one of my online applications this year due to questions about my application – I was told I only had 20 days to reply to the questions, yet it took me months to recover information about previous works from a crashed hard drive. I asked the Copyright Office to point out to me what LAW said they can cancel my application after only 20 days – I haven't received a response.

Thank you,

Tiger Lily Jones

Self Published Author

PUBLISHING FYI

- 1) 80% or more of the books and music on the market are published by "small publishers" or "self publishers" who publish less than 10 titles per year.
 - a. It currently cost \$35 to publish one work.
 - b. The proposed cost will be \$45 for one work by one author; if two people created the work, the fee will be \$65.
 - c. For authors who write with partners, it will cost \$130 to register two stories per year that used to cost \$70.

- 2) HIGHER COSTS OF DOING BUSINESS FOR INDIVIDUALS AND SMALL BUSINESSES:
 - a. Small publishers and individuals pay higher distribution fees than large corporations.
 - b. Small publishers and individuals pay higher printing, production and marketing fees than large corporations.

- 3) HARRY POTTERS: The first book in the HARRY POTTER series was published by Bloomsbury, a *small*, well-respected, independent publisher. It has since grown

into a large successful publishing concern, but only after publishing that first Harry Potter book.

- 4) THE AVERAGE BOOK IN AMERICA
 - a. It takes an average of 475 hours to write a novel.
 - b. It takes an average of 725 hours to write a non-fiction book.
 - c. A FICTION BOOK is considered successful if it sells 5000 or more copies.
 - d. A NON-FICTION BOOK is considered successful if it sells 7500 or more copies.
 - e. *The Average book in America* sells 500 copies.
 - f. Many authors don't earn a living from their work, but rather supplement their or their spouse's income. These authors may not be able to afford to register their copyright.

- 5) SELF PUBLISHED SUCCESS STORIES: Some of the best sellers of all time were first **self published**; what if those authors could not have afforded the fee to copyright their work in the first place? Some may have delayed their publication or never published their book in the first place to later find great success:
 - a. *The Christmas Box* by Rick Evans. The 87-page book took him six weeks to write. He published it and promoted it himself. It did so well he sold out to Simon & Schuster for \$4.2 million. It hit the top of the *Publishers Weekly* bestseller list and was translated into 13 Languages.
 - b. E. E. Cummings first work—*The Enormous Room*, now considered a masterpiece—was ultimately self-published after being rejected by publishing houses.
 - c. *In Search of Excellence* by Tom Peters. More than 25,000 copies were sold directly to consumers in its first year. Then it was sold to Warner and the publisher sold 10 million more.
 - d. *The Celestine Prophecy* by James Redfield. His manuscript made the rounds of the mainstream houses and then he decided to publish himself. He started by selling copies out of the trunk of his Honda—over 100,000 of them. He subsequently sold out to Warner Books for \$800,000. The number-one

bestseller in 1996, it spent 165 weeks on *The New York Times* Bestseller list. More than 5.5 million copies have been sold.

- e. E. E. Cummings first work—*The Enormous Room*, now considered a masterpiece—was ultimately self-published after being rejected by publishing houses.
- f. *The Joy of Cooking* by Irma Rombauer was self-published in 1931 as a project of the First Unitarian Women's Alliance in St. Louis. Today Scribners sells more than 100,000 copies each year.
- g. *How to Flatten Your Stomach* by Jim Everrode was self-published before he sold out to Price\Stern\Sloan. Since then, the book has sold more than two million copies.

- 6) UNIVERSITY PRESSES: Of 90-92 University's Publishing Presses, they publish over 11,000 works per year, with each press averaging 100 books per year.
- 7) Disney registered over 1000 copyrights in 2011.
- 8) ATT registered around 100 copyrights for 2011.
- 9) I registered two copyrights in 2011, one was canceled by the Copyright Office due to questions and I was told that I only had 20 days to reply to the Copyright Office's notice even though it took more than 20 days to research previous works to answer the questions.
- 10) 20 Days to reply to the Copyright Office's questions is not enough time to resolve application issues.